

MARGARET THORNBURG
 vs.
 ELIZABETH MACAULEY ET AL. } JULY TERM, 1849.

[ACTS OF ATTORNEY BINDING ON HIS CLIENT—SELECTION OF TRUSTEES—
 PRACTICE.]

WHATEVER is done by the attorney in the progress of a cause, is considered as done by the authority of the client, and is binding on him.

In the selection of trustees, the court will always give due weight to the wishes of those who are chiefly interested in the result of the sales, and in creditors bills, the recommendation of a majority in amount, of creditors, is seldom disregarded.

In this case, *after* the decree for a sale, and appointing trustees for that purpose, had passed, creditors to a large amount came in, and, upon the ground of surprise, ask that the decree might be opened, and so far modified, as that a trustee named by them might be associated with the trustees already appointed. **HELD—**

That in the absence of any charge affecting the fitness of the trustees already appointed to discharge faithfully their trust, it would be establishing an inconvenient and embarrassing precedent to grant the application.

[The bill was filed in this case on the 15th of August, 1849, by the complainant, alleging, that a certain Patrick Macauley, of Baltimore county, had lately died intestate, possessed of valuable real and personal estate—that he was largely indebted unto different persons, and among others to the complainant—that administration on his personal estate had been duly granted unto Joseph J. Speed and Henry Webster, and that his said personal estate was wholly insufficient for the payment of his debts. The bill then prayed, that part of his real estate, lying in said county, consisting of a country seat, called "*Mondawmin*," might be sold in aid of his personalty.

The answers which were filed on the 18th and 20th of the same month, all admitted the facts stated in the bill, and consented to the passage of a decree for a sale, and on the 22d, by agreement of all parties, the Chancellor signed a decree for a sale as prayed, and appointed said Speed and Webster trustees for that purpose.

On the 24th of the same month, a petition was filed in the